

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE
MINUTES OF PUBLIC MEETING**

DATE.....July 2, 2003
TIME.....4:30 P.M.
PLACE.....COUNTY OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Jan Mills
Karl Rutherford
Steve Schreckengast
KD Benson
Gary Schroeder
Jack Rhoda

STAFF PRESENT

James Hawley
Margy Deverall
Kathy Lind
Jay Seeger, Atty.

Jan Mills called the meeting to order.

I. APPROVAL OF JUNE 17, 2003 MEETING MINUTES

Jack Rhoda moved to approve the minutes from June 17, 2003. Steve Schreckengast seconded and the motion was carried by voice vote.

II.MISCELLANEOUS PROPOSED ORDINANCE AMENDMENTS:

A. Allowing changeable copy signs in rural districts.

Kathy Lind read the staff memorandum proposing a change to the table in UZO section 4-8-8. She stated that currently changeable copy signs were not allowed in the A, AA, AW or FP zones. She said that this amendment would allow changeable copy signs in these zones, with a sign permit.

Jan Mills asked what the reason was behind this proposal.

Kathy Lind explained that this amendment would allow a farm stand to have a changeable sign in order to advertise different products at different times.

Steve Schreckengast asked what Mr. Banes was upset about.

James Hawley stated that this amendment would grant a permission that was currently prohibited. He asked Opal Kuhl if Mr. Banes had been in to complain.

Opal Kuhl stated that the main issue is not to have to obtain a permit. She said that there is language in the permit that limits the amount of time that the sign can be up and Mr. Banes does not feel that it should be regulated.

Steve Schreckengast asked how much a permit was.

Opal Kuhl replied that a sign permit was \$10.

Steve Schreckengast asked if that was obtained through the City or County.

James Hawley stated that they are issued by the respective jurisdiction.

Al Levy stated that Mr. Banes refuses to let his customers know that a permit is required, thus causing problems for them.

James Hawley pointed out that this would only apply to the rural zones.

KD Benson asked why a changeable copy sign would be needed in a flood plain.

Kathy Lind explained that the table in the UZO is set up with those four zones listed in the heading.

James Hawley stated that because a business cannot be in the flood plain, neither can a sign.

Kathy Lind stated that the entire table would have to be changed.

KD Benson moved to pass the amendment to Changeable Copy Signs in A Zones to the full plan Commission. Steve Schreckengast seconded and the motion carried by voice vote.

B. Proposed changes to gateway signs.

Kathy Lind read the staff memorandum proposing changes to UZO section 4-8-3 (e). She explained that there have not been any previous regulations to these signs and therefore staff cannot answer developer's questions regarding these signs. She reviewed the proposed changes to the UZO. She explained that this amendment would make gateway signs subject to the requirements of sections 4-8-3 (e), 4-8-4, 4-8-15, and 4-4-7 but not to sections 4-8-5 or 4-8-6.

James Hawley stated that this would facilitate the developer's ability to put up their permanent identification entrance signs.

KD Benson asked for confirmation that this has always been allowed and this amendment was simply making the language more understandable.

Kathy Lind responded affirmatively.

Steve Schreckengast asked for confirmation that the sign can be as big as the developer wants, so long as it meets the other 3 requirements.

Kathy Lind replied affirmatively. She explained that it would have to meet the following requirements: out of the vision clearance triangle, out of the right-of-way and only in specific zones such as residential or industrial.

Steve Schreckengast asked if it would be allowed in the GB zones.

Kathy Lind stated that she would check the UZO.

KD Benson asked for an example of a gateway sign.

Steve Schreckengast stated that gateway signs were permanent subdivision entrance signs.

KD Benson asked if the Stonehenge signs on US 52 would qualify.

James Hawley stated that it would apply to the signs at Stonehenge, but not to the illegal billboards.

Kathy Lind stated that gateway signs would be permitted in GB.

Steve Schreckengast asked what zones gateway signs would not be permitted in.

Kathy Lind stated that they would not be permitted in NBU, CB or CBW.

James Hawley stated that it would be difficult to fulfill the three requirements in any of those districts because they are all urban.

Karl Rutherford asked what the classification was for temporary signs such as "Project financed by..." or "Constructed by..."

Steve Schreckengast stated that those types of signs were discussed about 2 years ago. He said that they had a requirement of 100 square feet and has to be removed 30 days after completion.

James Hawley stated that those signs were required to have the developer's information on them and could be up so long as there are parts that are under development.

Steve Schreckengast reiterated that this topic was covered extensively 2 years ago.

Kathy Lind stated that those signs fell under the classification of Subdivision Development signs.

Brian Keene, Gunstra Builders, asked if this amendment was due to any current problems. He stated that he has not heard of any problems with gateway signs and this would be just one more ordinance to put in the books.

Karl Rutherford stated that this ordinance is already in the books and this amendment simply clarifies the language.

Brian Keene asked how the language was currently written.

James Hawley stated that it was difficult to find in the UZO.

KD Benson stated that the requirements were scattered all over the UZO.

Karl Rutherford explained that this amendment put all the requirements in one place and should make it easier.

Brian Keene asked for confirmation that the requirements were not being changed.

James Hawley stated that they were simply trying to make it easier to understand.

Kathy Lind stated that the one change was: "located within either a sign or landscape easement or a platted outlot."

Steve Schreckengast asked for confirmation that not every development had a landscape easement.

Brian Keene replied affirmatively. He stated that it is better to put them in a landscape easement. He gave the example of one development where the gateway sign is on a private lot and the owners want to tear it down.

James Hawley stated that this is a protection for the development and developers.

Steve Schreckengast stated that his concern was putting restrictions on the size of the sign. He asked for confirmation that the size would not be restricted.

Steve Schreckengast moved to pass the amendment to Changes To Gateway Signs to the full Plan Commission. Jack Rhoda seconded and the motion carried by voice vote.

C. Proposed changes to temporary sign permits

Kathy Lind read the staff memorandum proposing changes to UZO 4-8-13(b) and 6-2-5 (e). She explained that the language that required 2 permits was being deleted.

Jan Mills asked if citizen have been following the policy and getting 2 permits.

Kathy Lind replied negatively.

Steve Schreckengast asked for an example of a temporary sign on private property. He asked if this was referring to business or residential. He asked if signs for such things as birthdays or new babies require permits.

Kathy Lind replied affirmatively.

Jan Mills stated that although it is required, it is not enforced.

James Hawley stated that the exception is when they are up for an extended and unreasonable amount of time.

Steve Schreckengast asked for confirmation that there is a separate ordinance for special event signs.

Al Levy stated that a birthday sign would fall under the classification that would require a permit. He stated that a temporary sign is attached to a building.

Steve Schreckengast asked what classification advertising and direction signs for the Ag Show would fall under.

James Hawley stated that those signs were a public safety issue measured and authorized by the sheriff and police department and therefore out of the hands of the ordinance.

Jack Rhoda move to pass the amendment to Temporary Sign Permits on to the full Plan Commission. KD Benson seconded and the motion passed by voice vote.

D. Proposed new buffering requirements for rural home occupations.

Kathy Lind read the staff memorandum proposing changes to UZO 5-5-6(a)(12).

Jan Mills asked for elaboration on this proposed amendment.

Al Levy stated that because of the new amendment concerning buffering and setbacks for general contractors located in rural zones, there are now construction businesses that qualify under the rural home occupation classification. He said that it was allowing construction companies to operate on 2 acres as a rural home occupation, when general contractors had to have at least 5 acres. He explained that this proposed amendment would help balance out the requirements and protects the neighbors. He pointed out that this proposed amendment strictly concerned buffering and not large setbacks.

Steve Schreckengast asked if the buffering would be required if the business was just an office and did not have any outside storage or equipment.

Al Levy responded negatively. He stated that it would be outside storage of equipment that triggers the buffering.

Steve Schreckengast asked if the business currently operating as a rural home occupation with outside storage would have to go back and buffer the yard.

Al Levy replied negatively. He explained that the ordinance couldn't be made retroactive.

James Hawley pointed out that it was inconsistent to require the 5 –acre buffering and set backs for the same use and not the 2-acre rural home occupations.

Kathy Lind stated that the main difference between a rural home occupation and a building contractor that requires 5-acres, is that that the rural home occupation can be on 2-acres and have only 1 outside employee and a building contractor can have as many employees as necessary.

KD Benson asked for confirmation that rural home occupations are never zoned residential.

Kathy Lind responded affirmatively. She said that they could only be agricultural.

Steve Schreckengast moved to pass the amendment to Buffering For Rural Home Occupations on to the full Commission. Jack Rhoda seconded and the motion carried by voice vote.

III. PROPOSED CHANGES TO THE UZO USE TABLE REGARDING VOCATIONAL REHABILITATION AND TREATMENT CENTERS.

James Hawley read the staff memorandum regarding New Directions and recapped the history behind this proposed amendment. He explained that amendment would allow alcohol and drug rehabilitation, vocational rehabilitation and job training (SIC Codes 836 and 833) to be permitted by special exception in the A and AW districts. He mentioned that these uses are permitted by right in GB and some residential zones. He said that this is a reasonable way to deal with an unusual type of land use.

Karl Rutherford asked if SIC Code 836 would allow a use such as a boarding house.

James Hawley replied negatively.

Jack Rhoda moved to pass changes to the UZO Use Table Regarding Vocational Rehabilitation and Treatment Centers to the full Plan Commission. Steve Schreckengast seconded and the motion carried by voice vote.

James Hawley stated that due to the numerous objections to the amendment for a 50' special setback on South River Road, Margy Deverall has written an alternate proposal. He suggested that the alternate proposed amendment replace the amendment that is currently on the agenda for the full Plan Commission. He read paragraph 2 and items 1-4 of the alternate proposal. He read and reviewed the changes and additions to sections 1-10-2 and Appendix F-2. He explained that these changes and additions would accomplish the goal of not allowing rural outdoor signage to be placed along this road and at the same time not disturb the existing setbacks along those roadways.

Steve Schreckengast asked for confirmation that the setback would stay 40 feet. He asked for elaboration on section 2 concerning signage in sight of a Federal-Aid Primary Highway. He asked if a sign that was 200 feet back, but in sight would be prohibited.

James Hawley reiterated that a sign couldn't be in sight of a Federal-Aid Primary Highway.

Steve Schreckengast asked for confirmation that this would apply to off site signs only and any business located on that site would still be allowed a sign.

James Hawley replied affirmatively. He stated that was true so long as the site was properly zoned.

Steve Schreckengast asked what McGraw's was zoned.

James Hawley replied that McGraw's site was zoned flood plain.

KD Benson and Steve Schreckengast commented that the McGraw' would never be entitled to a sign.

James Hawley explained that the front of the property was zoned residential, but the building would never be able to be out of the flood plain.

Steve Schreckengast asked if a small directional sign would be more dangerous than not knowing where to turn.

James Hawley stated that the discussion was not concerning the safety of the signage, but of the concern that signage is allowed for something that is not supposed to be there.

Steve Schreckengast asked what kind of impact this would have on the existing residents.

James Hawley stated that this alternate proposal would have no impact on existing properties, only on people who would want a rural outdoor sign, advertising a rural business in a rural location.

Steve Schreckengast asked if there were any existing signs that would have to be taken down because of this amendment.

James Hawley replied negatively. He stated that the sign could not be in a residential district, only in an Ag district. He mentioned that this should clear up any objections that the property owners had.

Steve Schreckengast asked for confirmation that the 40-foot setback was still in place.

James Hawley replied affirmatively.

Steve Schreckengast asked if there were any businesses that would be affected, besides McGraw's.

James Hawley replied that there were no other businesses that he was aware of, besides the golf course.

Steve Schreckengast asked if this alternate proposal was discussed with any of the residents.

Margy Deverall stated that residents who visited the office to discuss the issue were present in the audience.

KD Benson asked if the directional signs for the Wabash Township Fire Department barbeque would be affected.

Al Levy stated that those signs would have to follow the rural outdoor sign ordinance. He explained that the signs would have to be placed in an agriculturally zoned area, within two miles of the event.

KD Benson asked for confirmation that those signs would not be able to be placed along this section once it was designated Scenic.

Al Levy replied that was correct.

Steve Schreckengast asked if the signs for the buffalo burger concession stand would be allowed.

James Hawley explained that was an on site sign and would be allowed.

Al Levy reiterated that on-site signs would be allowed.

Jack Rhoda asked for elaboration on the procedure of substituting the amendment on the Area Plan agenda for the alternate proposal.

James Hawley stated that the motion that was tabled at the last meeting would have to be taken off the table, and then motion to substitute the amendment in its entirety.

James Hawley stated that the next meeting would be July 15, 2003 and the topic would be Rural Estate Roads. He mentioned that the information that Steve Schreckengast requested from Sallie Fahey on up coming Ordinance Committee topics should also be presented at the next meeting.

IV.CITIZEN COMMENTS

V. ADJOURNMENT

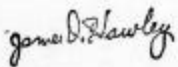
Jack Rhoda moved to adjourn. Karl Rutherford seconded and the motion passed by voice vote.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley, AICP
Executive Director